

MCL 700.5305, MCR 5.143, MCR 5.403(C)

DUTIES OF GUARDIAN AD LITEM

Your duties as guardian ad litem include all of the following:

1. Visit the individual alleged to be incapacitated.
2. Explain to the individual the nature, purpose, and legal effects of the appointment of a guardian.
3. Explain to the individual the hearing procedure and the individual's rights in the hearing procedure, including but not limited to:
 - a. the right to contest the petition.
 - b. the right to request limits on the guardian's powers.
 - c. the right to object to a particular person being appointed guardian.
 - d. the right to be present at the hearing.
 - e. the right to be represented by legal counsel and that legal counsel will be appointed for the person if s/he is unable to afford legal counsel.
4. Inform the individual of the name of any person known to be seeking appointment as guardian.
5. Make determinations and inform the court of those determinations, on all of the following:
 - a. whether the individual alleged to be incapacitated wishes to be present at the hearing.
 - b. whether the individual alleged to be incapacitated wishes to contest the petition.
 - c. whether the individual alleged to be incapacitated wishes limits be placed on the guardian's powers.
 - d. whether the individual alleged to be incapacitated objects to a particular person being appointed guardian.
 - e. whether there are one or more appropriate alternatives to the appointment of a full guardian after considering:
 - i. appointment of a limited guardian, including the specific powers and limitation on those powers the guardian ad litem believes appropriate.
 - ii. appointment of a conservator or another protective order under 700.5401 et seq.
 - iii. execution of a patient advocate designation, do-not-resuscitate declaration, or durable power of attorney with or without limitations on purpose, authority or duration.
 - f. whether a disagreement or dispute related to the guardianship petition might be resolved through court ordered mediation.